

ESTTA Tracking number: **ESTTA601339**Filing date: **04/30/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	PT Mitra Sinar Millennium		
Entity	Corporation	Citizenship	Indonesia
Address	Green Garden Blok Y3 No 23 - 25 Jakarta, 11520 INDONESIA		

Domestic Representative	Steven Haryono 4401 Calypso Terrace Fremont, CA 94555 UNITED STATES alvinus@sinar millennium.com, steven.haryono@gmail.com
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Applicant Information

Application No	86124740	Publication date	04/22/2014
Opposition Filing Date	04/30/2014	Opposition Period Ends	05/22/2014
Applicant	SHOTA SEKITO 4-10-23 1F Minamisenba Chuoku OSAKA, JAPAN		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: baby bottoms, baby tops, caps, headwear, pajamas for babies and adults; pants for babies and adults, shorts for babies and adults, swimwear for babies and adults, t-shirts for babies and adults, men's and women's underwear

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l. Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Trademark counterfeiting / infringement

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86169697	Application Date	01/20/2014
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	TORIO
Design Mark	
Description of Mark	The mark consists of the writing Torio with a drawing of 3 feathers at the end of the word: The word Torio along with the 3 feathers are outlined with dark brown color. The first letter o in the wordTorio is filled in with baby blue colorand the second letter o is filled in with baby pink color. The three feathers starting from the left to the right are filled in with baby blue, baby pink and yellow color.
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 (Based on Intent to Use) Babies' pants;Baby bottoms; Baby tops; Children's andinfant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Hooded sweatshirts for children(Based on 44(e)) Babies' pants; Baby bottoms; Baby tops; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Hooded sweatshirts for children

Related Proceedings	Related proceedings to: 86169697
Attachments	86169697#TMSN.jpeg(bytes) Statement of Opposition for 86124740.pdf(79960 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Signature	/Alvinus Mardoko/
Name	Alvinus Mardoko
Date	04/30/2014

Torio is a registered Indonesian brand to Mrs. Jong Olivia Mardoko since 1988 and has been involved in Baby clothing / garment since 1990. We have proof of documentations, products, company, websites, and loyal customer base dating since 1988.

In early 2013 our family met a few California based lawyers to discuss about bringing Torio to the United States. Curiously within less than a few months some unknown LA lawyer was registering the brand with the same products types based on an unclear Japanese company that has no solid foundation or base as an entity (both in The United States and in Japan).

Torio has been in circulation and used by PT Mitra Sinar Millennium since 1998 (www.sinarmillennium.com), and has established solid presence in Indonesia, Singapore, and Australia. Recently Torio has also established an online shop (Late 2012) www.toriokids.com. In comparison to the applicant of 86124740, both PT Mitra Sinar Millennium and Torio Kids have long histories that can be traced back for the last 2 decades (both in many stores and the internet) which shows our continuous long term commitment and establishment for the Torio brand.

Mrs. Jong Olivia has established Torio with hard work and dedication over the past 3 decades. We are positive the sudden submission of Application Serial No. 86124740 was intended to harm the presence of the real Torio brand (Application Serial No. 86189697) in the United States and therefore submit a notice of opposition.